

Noreen Rucinski

Dir. Strategic Business Development
Schneider Rucinski Enterprises
3344 N Mt. View Dr
San Diego CA 92116
619-282-7977
Plaintiff in Pro Per
Appearing *pro se*

FILED

08 APR 11 PM 3:08

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY: 

DEPUTY

UNITED STATES DISTRICT COURT

IN AND FOR THE SOUTHERN DISTRICT OF CALIFORNIA

SCHNEIDER RUCINSKI ENTERPRISES,)

Plaintiff,)

vs.)

TOUCH ASIA OUTSOURCING
SOLUTIONS, INC., dba TOUCH ASIA
CALL CENTER, INC.; RUDY NGAW;
STRATASOFT, INC. PACIFIC CALL
CENTERES; LANE MCCARTY
individually and as an employee and/or
agent of STRATASOFT, INC.; JASON
PACE individually and as an employee
and/or agent of STRATASOFT, INC.;
MIKE BRIDGES individually and as an
employee and/or agent of STRATASOFT,
INC.; MICHEL BRIDGES, JR.,
individually and as an employee and/or
agent of STRATASOFT, INC.; INX, INC.,
a Texas Corporation formerly known as I-
SECTOR CORPORATION; COLO 6 LLC,
a California Corporation, and NAVROZ
HAJI, an individual, and DOES 1 through
20, inclusive,)

Defendants.)

Case No.: 08 CV 0138 WQH POR

Date: May 19, 2008
Time: 11:00 a.m.

Judge: Hon. William Q Hayes

**PLAINTIFF'S EXPARTE MOTION FOR
AN ORDER FOR SERVICE TO THE
SECRETARY OF STATE FOR TOUCH
ASIA OUTSOURCING INC, RUDY NGAW
AND ORDER FOR PUBLICATION FOR
TOUCH ASIA OUTSOURCING INC,
RUDY NGAW**

**NO ORAL ARUGMENT UNLESS COURT
REQUESTS IT.**

**Plaintiff's Exparte Motion for Order for Service
to the Secretary State and order for publication.**

SCHNEIDER RUSINISKI ENTERPRISES ("SRE") respectfully submits this
Motion to ask that this court to order that: 1702 (a) of Section 416.20 of the Code
of Civil Procedure for service by the state. (**CORPORATIONS CODE SECTION 2100-
2117.1** Section 2110)

1 Following the guidelines as allowed by the CCP, local rules and publications SRE
2 has made several attempts by process services, January and February of 08. (see
3 attached exhibits.) Last known address is old. Checking with the internet, cross
4 reference companies that find people have not given any locations of show
5 occupancy of Rudy Ngaw and or business of Touch Asia. Two different
6 companies have attempted to locate Touch Asia, and Rudy Ngaw. Friends and
7 others known to SRE have been called with no location, either told to me or
8 known by others in the industry. Emails have been sent to last known email
9 address, however, no return by email was received back, still showing the
10 address as good but with out return confirmation. Email address of company
11 was contacted, with no results or replies or confirmation of receipt of mail.
12 We have gone out of our way to attempt to contact Touch Asia and Rudy Ngaw
13 and feel the only way to alert him is to post notices in the local papers and give
14 service to the secretary of state.

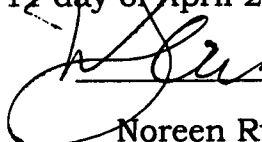
15 I do feel that Touch Asia is aware of this complaint is avoiding service and or
16 letting us know, they know. The Manager Haji Navaroz manager at USCOLO
17 where the equipment is located told me he will attempt to contact Rudy Ngaw but
18 has not told me he has done so. I have asked several times. I did ask for an
19 address, phone and or email. It is also my understanding from talking to the
20 maintenance department of Stratasoft that they also either know of his
21 whereabouts and or contacted Touch Asia regarding the case.

22 In conclusion, I have for the last 45 day I have made every possible attempt to
23 find and service Touch Asia, Rudy Ngaw. I can only ask the courts for an order
24 for service to the state agency and an order to allow publication both in the paper
25 in Elk Grove Ca. Possibly last known address in California and in Craigslist for
26 the Philippines or gazette there. Attached I have provided the summons by
27 notification by publication for your order, and await an order from the courts to
28 serve the Secretary of State with.

1 Notice of publication review for the courts

2 **SUMMONS Case No. CV08-0138 WQH POR- JUDICIAL DISTRICT COURT OF THE**
3 **STATE OF CALIFORNIA IN AND FOR THE COUNTY OF SAN DIEGO, SCHNEIDER**
4 **RUCINSKI ENTERPRISES Plaintiff vs. TOUCH ASIA OUTSOURCING SOLUTIONS,**
5 **INC., dba TOUCH ASIA CALL CENTER, INC, RUDY NGAW; PACIFIC CALL**
6 **CENTERES : TO THE DEFENDANTS: YOU HAVE BEEN SUED. THE COURT MAY**
7 **DECIDE AGAINST YOU WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND**
8 **WITHIN 20 DAYS. READ THE INFORMATION BELOW VERY CAREFULLY.** A civil
9 Complaint has been filed by the plaintiff against you for the relief as set forth in that document. The
10 Complaint alleges that the Defendants are in breach of a contract, fraud, et al, secured by a real property
11 located at 650 Grand or one Whilshire LA and that the Plaintiffs have legally protected interest in said
12 property. If you intend to defend this lawsuit, you must do the following within 20 days after service of this
13 summons, exclusive of the day of service: a. File with the Clerk of the Court, whose address is shown below,
14 a formal written answer to the complaint, along with the appropriate filing fees, in accordance with the rules
15 of the Court; and b. Serve a copy of your answer upon the attorney or plaintiff whose name and address is
16 shown below. 2. Unless you respond, a default will be entered upon application of the plaintiff and this Court
17 may enter a judgment against you for the relief demanded in the complaint. Issued on behalf of plaintiff
18 Schneider Rucinski Enterprises 3344 N Mt. View Dr. San Diego CA 92116 JUDICIAL DISTRICT COURT
19 OF THE STATE OF CALIFORNIA IN AND FOR THE COUNTY OF SAN DIEGO Judge Hays.
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Dated this 11 day of April 2008


Noreen Rucinski Pro Se

POINTS AND ATHOURITIES

1702. (a) If an agent for the purpose of service of process has resigned and has not been replaced or if the agent designated cannot with reasonable diligence be found at the address designated for personally delivering the process, or if no agent has been designated, and it is shown by affidavit to the satisfaction of the court that process against a domestic corporation cannot be served with reasonable diligence upon the designated agent by hand in the manner provided in Section 415.10, subdivision (a) of Section 415.20 or subdivision (a) of Section 415.30 of the Code of Civil Procedure or upon the corporation in the manner provided in subdivision (a),(b) or (c) of Section 416.10 or subdivision (a) of Section 416.20 of the Code of Civil Procedure, the court may make an order that the service be made upon the corporation by delivering by hand to the Secretary of State, or to any person employed in the Secretary of State's office in the capacity of assistant or deputy, one copy of the process for each defendant to be served, together with a copy of the order authorizing such service. Service in this manner is deemed complete on the 10th day after delivery of the process to the Secretary of State.

Service by Publication is a process of putting an official notice in a newspaper. This is a very unusual method of serving papers and is only permitted after the court gives an order permitting service in this way.

- Before using this form of service, the person who wants the papers served must have tried, in all other reasonable ways, to locate the person and give them the papers.
- To get the Order For Publication the person wishing to use this method must file an Application For Order For Publication of Summons along with a statement Declaration of Due Diligence.
 - A Declaration of Due Diligence is a statement of the efforts that have already been made to get the other party served.
 - You should also tell the judge all that you know about where the other party might be.
 - The Court will usually order service by publication if you can show that the party cannot be found despite very strong efforts to find them.
 - Even if you know where the other party is living, the court will sometimes order service by publication if you show that the other party is actively avoiding being served.

- The court will consider the matter and IF the judge believes 'Service By Publication' should be permitted, the judge will order the notice to be published in a newspaper the judge names in the order.
- The newspaper named will be one the judge thinks the one most likely to give actual notice to the party to be served!
- After the papers have been published in that newspaper for the number of days or weeks ordered by the judge, the party is considered to be legally served
- The court will require a sworn statement from the newspaper that the "publication" has been made according to the judge's order.

The sworn statement will be on the form for Proof of Service and should be provided by the newspaper

CORPORATIONS CODE

SECTION 2100-2117.1 Section

2110 can be found after diligent search and it is so shown by affidavit to the satisfaction of the court, then the court may make an order that service be made by personal delivery to the Secretary of State or to an assistant or deputy secretary of state of two copies of the process together with two copies of the order, except that if the corporation to be served has not filed the statement required to be filed by Section 2105 then only one copy of the process and order need be delivered but the order shall include and set forth an address to which the process shall be sent by the Secretary of State. Service in this manner is deemed complete on the

10th day after delivery of the process to the Secretary of State.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11 day of April 2008, I caused to be mailed a true and correct copy of the foregoing to the following by the method described below: I am over the age of 18.

By Mail Delivery:

BY U.S. Mail, postage prepaid:



Fred Rucinski

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) Noreen Rucinski 3344 N. Mt. View Drive San Diego, CA 92116 TELEPHONE NO.: (619) 282-7977 FAX NO.: E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):	FOR COURT USE ONLY
United States District Court STREET ADDRESS: 940 FRONT ST. ROOM 1160 MAILING ADDRESS: CITY AND ZIP CODE: SAN DIEGO, CA 92101-8900 BRANCH NAME: SOUTHERN	
PLAINTIFF/PETITIONER: Schneider DEFENDANT/RESPONDENT: Touch Asia	
NON SERVICE REPORT	CASE NUMBER: 08 CV 0138 WQH POR

I received the within process on January 25, 2008 and that after due and diligent effort I have been unable to serve said person. The following itemization of the dates and times of attempts details the efforts required to effect service. Additional costs for diligence are recoverable under CCP §1033.5 (a)(4)(B).

Servee: Touch Asia Outsourcing Solutions, Inc. dba Touch Asia Call Center, Inc.

As enumerated below:

01/28/2008 -- 04:42 pm 7214-B Florin Mall Drive
Sacramento, CA 95823

Capital City Loan Jewelry has been here since June 2006.

01/30/2008 -- 08:45 pm 4440 Oak Hollow Drive, #164
Sacramento, CA 95842

(Residence) Bad Address. Amber Willis has resided her for 2 years. Business and individual are unknown.

02/20/2008 --

Service returned to client.

County: Sacramento
 Registration No.: 92-007
 E.S.Q. Services, Inc.
 4015 Park Blvd., Suite 218
 San Diego, CA 92103
 (619) 296-0120

I declare under penalty of perjury under the laws of the State of California that the foregoing information contained in the return of service and statement of service fees is true and correct and that this declaration was executed on February 20, 2008 at San Diego, California.

Signature: _____

Gari Greenhalgh
 Gari Greenhalgh

NON SERVICE REPORT

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address)		FOR COURT USE ONLY
Noreen Rucinski 3344 N. Mt. View Drive San Diego, CA 92116 TELEPHONE NO.: (619) 282-7977 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):		
FAX NO.: <i>United States District Court</i> STREET ADDRESS: 940 FRONT ST. ROOM 1160 MAILING ADDRESS: CITY AND ZIP CODE: SAN DIEGO, CA 92101-8900 BRANCH NAME: SOUTHERN		
PLAINTIFF/PETITIONER: Schneider DEFENDANT/RESPONDENT: Touch Asia		
NON SERVICE REPORT		CASE NUMBER: 08 CV 0138 WQH POR

I received the within process on January 25, 2008 and that after due and diligent effort I have been unable to serve said person. The following itemization of the dates and times of attempts details the efforts required to effect service. Additional costs for diligence are recoverable under CCP §1033.5 (a)(4)(B).

Servee: **Rudy Ngaw**

As enumerated below:

01/28/2008 --

7214-B Florin Mall Drive
Sacramento, CA 95823

Capital City Loan Jewelry has been here since June 2006.

01/30/2008 -- 08:45 pm

4440 Oak Hollow Drive, #164
Sacramento, CA 95842

(Residence) Bad Address. Amber Willis has resided her for 2 years. Business and individual are unknown.

02/20/2008 --

Service returned to client.

County: **Sacramento**
 Registration No.: **92-007**
E.S.Q. Services, Inc.
4015 Park Blvd., Suite 218
San Diego, CA 92103
(619) 296-0120

I declare under penalty of perjury under the laws of the State of California that the foregoing information contained in the return of service and statement of service fees is true and correct and that this declaration was executed on **February 20, 2008 at San Diego, California.**

Signature: _____

Gari Greenhalgh
Gari Greenhalgh

NON SERVICE REPORT